IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 673 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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HASMUKHBHAI BHAGVATIPRASAD BRAHMBHATT
Versus
STATE OF GUJARAT

Appearance:
MR SAURABH J MEHTA for Petitioner
MR MA BUKHARI, APP for Respondent No. 1 to 3
Respondent No. 4 - Party in person

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE D.K.TRIVEDI

Date of decision: 19/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. The petitioner has sought a direction on the respondents to produce Mr. Satyendra Bhagvatiprasad Brahmbhatt, who is the younger brother of the petitioner, before the Court on an allegation that he suspected that the respondent No.4 was the person who would be knowing as to where Mr. Brahmbhatt was. According to the petitioner, his brother is illegally kept at some unknown place, from where his brother is not able to contact him. Satyendra Brahmbhatt has been missing since 8th June 2001 and as stated in the petition, the respondent No.4 Abdul Wahid Shajada had told him that Satyendra had gone to his office at 11.30 night, sat and talked with him for about 5 to 10 minutes, and thereafter he had left his office, and that he did not know anything further.

2. Today the respondent No.4 is present before us and has stated before us that he does not know the whereabouts of Satyendra who had come to his office on 8th June 2001 at about 11.00 p.m. He states before us that he is the General Secretary of Navjyot All Gujarat Labour Union and the General Secretary of Kalol Labour Court Practitioners' Association.

3. The learned Additional Public Prosecutor has shown to us the police papers which indicate that the police has been inquiring in the matter ever since the information was lodged. Today, an affidavit in reply has been filed on behalf of the respondent no.1 by the Under Secretary to the Home Department as well as Sub-Divisional Police Officer of Mehsana showing the steps which have been taken for tracing out Mr. Brahmbhatt. In the affidavit in reply filed by the Under Secretary, Home Department, it has been stated that the Government, considering the representations made in the matter, have decided to handover the investigation to CID (Crime) on 13-9-2001 and necessary orders have been made to that effect. It is stated before us that the police has also made necessary inquiries at the place of the respondent No.4, but the whereabouts of Mr. Brahmbhatt are not known so far.

4. It appears to us that the respondents authorities have been taking necessary steps to trace out Mr. Brahmbhatt. We trust that the State Government shall take appropriate further steps to trace out Mr. Brahmbhatt. For the present, no directions are required to be given in this matter in view of the aforesaid development. The petitioner will give all co-operation to the concerned authorities in tracing out Mr. Brahmbhatt. Rule is discharged.

SEPTEMBER 19, 2001 [R.K.ABICHANDANI, J.]

[D.K.TRIVEDI, J.]

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